

109TH CONGRESS
1ST SESSION

H. R. 559

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Ms. LEE introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SCHOOL-BASED MENTAL HEALTH AND STU-**
4 **DENT SERVICE PROVIDERS.**

5 (a) IN GENERAL.—Subpart 14 of title V of the Ele-
6 mentary and Secondary Education Act of 1965 (20 U.S.C.
7 7269 et seq.) is amended—

1 (1) by inserting after the subpart heading the
2 following:

3 **“CHAPTER A—SYSTEMS INTEGRATION;**
4 **PROMOTION OF SCHOOL READINESS”;**
5 and

6 (2) by adding at the end the following:

7 **“CHAPTER B—SCHOOL-BASED MENTAL**
8 **HEALTH AND STUDENT SERVICE PRO-**
9 **VIDERS**

10 **“SEC. 5545. FINDINGS.**

11 “Congress finds the following:

12 “(1) The Surgeon General of the Public Health
13 Service has found that although 1 in 10 children
14 and adolescents suffer from mental illness severe
15 enough to cause some level of impairment, in any
16 given year fewer than 1 in 5 of these children re-
17 ceives needed treatment. The short- and long-term
18 consequences of untreated childhood mental dis-
19 orders are costly, in both human and fiscal terms.

20 “(2) School counselors, school social workers,
21 and school psychologists are needed to help these
22 children and to provide a variety of crucial support
23 services.

24 “(3) Across the United States, there are insuffi-
25 cient resources for school-based counseling profes-

1 sionals, and often students do not get the help they
2 need. The current national average ratio of students
3 to school counselors in elementary and secondary
4 schools is 561 to 1.

5 “(4) United States schools need more mental
6 health professionals, and they need the flexibility to
7 hire the professionals that will best serve their stu-
8 dents.

9 “(5) According to the Institute of Medicine of
10 the National Academy of Sciences, the maximum
11 recommended ratio of—

12 “(A) students to school counselors is 250
13 to 1;

14 “(B) students to school psychologists is
15 1,000 to 1; and

16 “(C) students to school social workers is
17 800 to 1.

18 “(6) In some States, 1 school counselor typi-
19 cally serves over 1,000 students. Ratios for school
20 psychologists and school social workers are also ex-
21 tremely high. In some schools, no school-based men-
22 tal health and student service provider is available to
23 assist students in times of crisis, or at any other
24 time.

1 “(7) The number of students is expected to
2 grow significantly over the next few years. During
3 this time, many school-based mental health profes-
4 sionals who currently serve the Nation’s youth will
5 retire.

6 “(8) Model programs using school-based mental
7 health and student service providers have reduced
8 school suspensions, reduced referrals to the prin-
9 cipal’s office, reduced the use of weapons, force, and
10 threats, and increased students’ feelings of safety.

11 **“SEC. 5546. PURPOSES.**

12 “The purposes of this chapter are to assist States and
13 local educational agencies in hiring additional school-based
14 mental health providers, including additional school coun-
15 selors, school psychologists, and school social workers to
16 achieve each of the following:

17 “(1) To reduce the ratios of school-based men-
18 tal health and student service providers to students
19 in elementary and secondary schools in the United
20 States to the following minimum ratios rec-
21 ommended by the Institute of Medicine of the Na-
22 tional Academy of Sciences in its 1997 report
23 ‘Schools and Health: Our Nation’s Investment’:

24 “(A) 1 school counselor for every 250 stu-
25 dents;

1 “(B) 1 school psychologist for every 1,000
2 students; and

3 “(C) 1 school social worker for every 800
4 students.

5 “(2) To provide school-based mental health and
6 student services.

7 “(3) To remove emotional, behavioral, and psy-
8 chosocial barriers to learning so as to enhance stu-
9 dents classroom preparedness and ability to learn.

10 “(4) To support school staff and teachers in
11 improving classroom management, conducting be-
12 havioral interventions to improve school discipline,
13 and developing the awareness and skills to identify
14 early warning signs of violence and the need for
15 mental health services.

16 “(5) To support parental involvement in im-
17 proving the school behavior and academic success of
18 their children.

19 **“SEC. 5547. DEFINITIONS.**

20 “‘In this chapter, the following definitions apply:

21 “(1) CHILD.—The term ‘child’ means an indi-
22 vidual who is not less than 5 years old and not more
23 than 17 years old.

1 “(2) CHILD IN POVERTY.—The term ‘child in
2 poverty’ means a child from a family with an income
3 below the poverty line.

4 “(3) MENTAL HEALTH AND STUDENT SERVICE
5 PROVIDER.—The term ‘mental health and student
6 service provider’ means a qualified individual who
7 provides mental health and student services, includ-
8 ing any individual who is a qualified school coun-
9 selor, a qualified school psychologist, or a qualified
10 school social worker.

11 “(4) MENTAL HEALTH AND STUDENT SERV-
12 ICES.—The term ‘mental health and student serv-
13 ices’ includes direct, individual, and group services
14 provided to students, parents, and school personnel
15 by mental health and student service providers, and
16 the coordination of prevention strategies in schools
17 or community-based programs.

18 “(5) POVERTY LINE.—The term ‘poverty line’
19 means the poverty line (as defined by the Office of
20 Management and Budget, and revised annually in
21 accordance with section 673(2) of the Community
22 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
23 cable to a family of the size involved.

24 “(6) SCHOOL COUNSELOR.—The term ‘school
25 counselor’ means an individual who has documented

1 competence in counseling children and adolescents in
2 a school setting and who—

3 “(A) possesses State licensure or certifi-
4 cation granted by an independent professional
5 regulatory authority;

6 “(B) possesses national certification in
7 school counseling or a specialty of counseling
8 granted by an independent professional organi-
9 zation; or

10 “(C) holds a minimum of a master’s de-
11 gree in school counseling from a program ac-
12 credited by the Council for Accreditation of
13 Counseling and Related Educational Programs
14 or the equivalent.

15 “(7) SCHOOL PSYCHOLOGIST.—The term
16 ‘school psychologist’ means an individual who—

17 “(A) possesses a minimum of 60 graduate
18 semester hours in school psychology from an in-
19 stitution of higher education and has completed
20 1,200 clock hours in a supervised school psy-
21 chology internship, of which 600 hours shall be
22 in a school setting;

23 “(B) possesses State licensure or certifi-
24 cation in school psychology in the State in
25 which the individual works; or

1 “(C) possesses national certification by the
2 National School Psychology Certification Board.

3 “(8) SCHOOL SOCIAL WORKER.—The term
4 ‘school social worker’ means an individual who—

5 “(A) holds a master’s degree in social work
6 from a program accredited by the Council on
7 Social Work Education;

8 “(B) is licensed or certified by the State in
9 which services are provided; or

10 “(C) possesses a national credential or na-
11 tional certification as a school social work spe-
12 cialist granted by an independent professional
13 organization.

14 “(9) STATE.—The term ‘State’ means each of
15 the several States, the District of Columbia, and the
16 Commonwealth of Puerto Rico.

17 **“SEC. 5548. SCHOOL-BASED MENTAL HEALTH AND STU-**
18 **DENT SERVICE PROVIDER GRANT PROGRAM.**

19 “(a) IN GENERAL.—In accordance with this chapter,
20 the Secretary shall make grants to eligible States to assist
21 local educational agencies in those States in hiring addi-
22 tional school-based mental health and student service pro-
23 viders.

1 “(b) ALLOCATION OF FUNDS.—From the total
2 amount appropriated for a fiscal year to carry out this
3 chapter, the Secretary shall—

4 “(1) make available 1 percent of such amount
5 to the Secretary of the Interior (on behalf of the Bu-
6 reau of Indian Affairs) and the outlying areas for
7 activities that carry out the purposes of this chapter;
8 and

9 “(2) make available in the form of grants to
10 each eligible State an amount equal to the sum of—

11 “(A) an amount that bears the same rela-
12 tionship to 50 percent of such total amount as
13 the number of children in poverty who reside in
14 the State bears to the number of such children
15 in all States; and

16 “(B) an amount that bears the same rela-
17 tionship to 50 percent of such total amount as
18 the number of children enrolled in public and
19 private nonprofit elementary schools and sec-
20 ondary schools in the State bears to the number
21 of children enrolled in all such schools in all
22 States.

23 “(c) MINIMUM GRANT.—Notwithstanding subsection
24 (b), no grant under this section shall be for an amount
25 less than \$1,000,000.

1 “(d) REALLOCATION.—The Secretary shall reallocate
2 to States that have received approval under subsection
3 (e)(2) any funds allocated under subsection (b) to a State
4 that fails to submit an application that is approved by the
5 Secretary.

6 “(e) APPLICATION BY STATE.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 grant under this chapter, a State shall submit an
9 application to the Secretary at such time, in such
10 manner, and containing such information as the Sec-
11 retary may require.

12 “(2) APPROVAL.—The Secretary may not ap-
13 prove an application under this subsection unless the
14 State submitting the application—

15 “(A) presents a plan, which the Secretary
16 considers to be reasonable, under which the
17 State will make grants, in accordance with the
18 purposes of this chapter, to local educational
19 agencies to fund the hiring of additional school
20 counselors, school psychologists, and school so-
21 cial workers; and

22 “(B) provides an assurance that the State
23 will provide the matching amount required
24 under subsection (g).

25 “(f) USE OF FUNDS BY STATE.—

1 “(1) IN GENERAL.—In accordance with this
2 subsection, the total of the amounts made available
3 to a State under this section and the amounts of the
4 non-Federal match required under subsection (g)
5 may only be used by a State to make grants to local
6 educational agencies to assist such agencies in hiring
7 additional school-based mental health and student
8 service providers.

9 “(2) ADMINISTRATIVE COSTS.—In each fiscal
10 year, a State may use not more than 5 percent of
11 the assistance made available to it under this chap-
12 ter for the administrative costs of the State in car-
13 rying out the State’s responsibilities under this
14 chapter.

15 “(3) ALLOCATION OF FUNDS.—In making
16 grants in accordance with this subsection, the State
17 shall allocate from the total described in paragraph
18 (1) to each local educational agency an amount
19 equal to the sum of—

20 “(A) an amount that bears the same rela-
21 tionship to 50 percent of such total as the num-
22 ber of children in poverty who reside in the
23 school district served by the local educational
24 agency bears to the number of such children

1 who reside in all the school districts in the
2 State; and

3 “(B) an amount that bears the same rela-
4 tionship to 50 percent of such total as the num-
5 ber of children enrolled in public and private
6 nonprofit elementary schools and secondary
7 schools in the school district served by the local
8 educational agency bears to the number of chil-
9 dren enrolled in all such schools in the State.

10 “(4) MINIMUM GRANT.—Notwithstanding para-
11 graph (3), no grant made by a State in accordance
12 with this subsection shall be for an amount less than
13 \$50,000.

14 “(5) SOURCE OF DATA.—For purposes of para-
15 graph (3), the State shall use data from the most
16 recent fiscal year for which satisfactory data are
17 available, except that the State may adjust such
18 data, or use alternative child poverty data, if the
19 State demonstrates to the Secretary’s satisfaction
20 that such adjusted or alternative data more accu-
21 rately reflect the relative incidence of children who
22 are living in poverty and who reside in the school
23 districts in the State.

24 “(6) APPLICATION BY LOCAL EDUCATIONAL
25 AGENCIES.—A State may require that, in order to

1 be eligible for a grant made by the State in accord-
2 ance with this subsection, a local educational agency
3 shall submit an application to the State at such
4 time, in such manner, and containing such informa-
5 tion as the State may require.

6 “(g) MATCHING FUNDS.—

7 “(1) IN GENERAL.—As a condition of receiving
8 a grant under this section, the Secretary shall re-
9 quire that a State provide from non-Federal sources
10 an amount equal to the amount of the grant.

11 “(2) LOCAL CONTRIBUTION.—In making grants
12 to local educational agencies in accordance with this
13 subsection, a State may require that a local edu-
14 cational agency match a portion of the amount of
15 the grant made to the agency.

16 “(3) FORM.—The non-Federal share required
17 by this subsection may be provided in cash or in
18 kind, fairly evaluated, and may include facilities,
19 equipment, or services.

20 “(h) FUNDS TO BE SUPPLEMENTARY.—Assistance
21 made available under this chapter shall be used to supple-
22 ment, and may not supplant, Federal, State, or local funds
23 used for employing school-based mental health and stu-
24 dent service providers.

25 “(i) DATA COLLECTION AND REPORT.—

1 “(1) IN GENERAL.—For each fiscal year for
2 which it receives assistance under this chapter, a
3 State shall collect data describing how the assistance
4 is used.

5 “(2) REPORT.—Not later than 1 year after as-
6 sistance is made available to a State under this
7 chapter, the State shall transmit to the Secretary a
8 report on the data described in paragraph (1), in-
9 cluding information with respect to each local edu-
10 cational agency to which the State made a grant
11 with assistance made available under this chapter—

12 “(A) the number of school counselors,
13 school psychologists, and school social workers
14 employed by local educational agency; and

15 “(B) the ratio of students to school coun-
16 selors, the ratio of students to school psycholo-
17 gists, and the ratio of students to school social
18 workers.

19 “(3) SOURCE OF FUNDS.—A State may use a
20 portion of the assistance permitted to be used for
21 administrative costs to carry out its responsibilities
22 under this subsection.

23 “(4) PUBLICATION.—The Secretary shall make
24 data received under this subsection publicly available
25 on an annual basis.

1 **“SEC. 5549. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this chapter \$100,000,000 for each of fiscal years 2004
4 through 2008.”.

5 (b) CLERICAL AMENDMENTS.—The table of contents
6 for the Elementary and Secondary Education Act of 1965
7 (20 U.S.C. 6301 et seq.) is amended by amending the
8 items relating to subpart 14 of title V to read as follows:

 “Subpart 14—Grants to Improve the Mental Health of Children

 “CHAPTER A—SYSTEMS INTEGRATION; PROMOTION OF SCHOOL READINESS

 “Sec. 5541. Grants for the integration of schools and mental health systems.

 “Sec. 5542. Promotion of school readiness through early childhood emotional
 and social development.

 “CHAPTER B—SCHOOL-BASED MENTAL HEALTH AND STUDENT SERVICE
 PROVIDERS

 “Sec. 5545. Findings.

 “Sec. 5546. Purposes.

 “Sec. 5547. Definitions.

 “Sec. 5548. School-based mental health and student service provider grant pro-
 gram.

 “Sec. 5549. Authorization of appropriations.”.

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